

H. C. R. No. 106.

H. C. R. No. 108.

H. B. No. 524.

H. B. No. 971.

#### Memorial Resolutions

H. C. R. No. 90—Memorial resolution for Captain Albert Tijerina, Jr.

H. C. R. No. 102—Memorial resolution for Thomas E. Dewey.

S. R. No. 947—By Senator Watson: Memorial resolution for Mrs. Cassie Mesecke.

S. R. No. 948—By Senator Watson: Memorial resolution for Mrs. Tom J. Wolfe.

S. R. No. 950—By Senator Watson: Memorial resolution for A. P. Lange.

S. R. No. 951—By Senator Watson: Memorial resolution for A. D. Henderson, Sr.

S. R. No. 953—By Senator Harrington: Memorial resolution for Coy Hubbard (Amended).

S. R. No. 955—By Senator Snelson: Memorial resolution for Mrs. Dorothy Blackburn Elkins.

#### Welcome and Congratulatory Resolutions

S. C. R. No. 75—By Senator Word: Extending congratulations to Joe Deats on his 81st birthday.

S. C. R. No. 77—By Senator Kothmann: Extending commendation to Major General William J. Sutton on his retirement from the U. S. Army Reserve and his return to Texas.

S. R. No. 949—By Senator Watson: Extending commendation to Mrs. Helen C. Hunt on her retirement from State Department of Public Welfare.

S. R. No. 952—By Senator Watson: Extending welcome to Christi Edinburg, et al.

S. R. No. 954—By Senator Harrington: Extending congratulations to James "Bubba" Busceme.

S. R. No. 956—By Senator Herring: Extending welcome to sponsors and senior class from Bastrop High School.

#### Adjournment

On motion of Senator Aikin the Senate at 3:20 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### APPENDIX

#### Sent to Governor

April 13, 1971

S. C. R. No. 71

#### FIFTY-FIFTH DAY

(Wednesday, April 14, 1971)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges Sherman

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence

Senator Sherman was granted leave of absence for today on account of important business on motion of Senator Snelson.

Senator Bridges was granted leave of absence for today on account of important business on motion of Senator Herring.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas.  
April 14, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 31, A bill to be entitled "An Act relating to adoption by the State Board of Insurance of rules and regulations providing for an assigned risk plan for fire and casualty insurance; amending Chapter 21, Texas Insurance Code, by adding Article 21.75; and declaring an emergency."

(With Amendment.)

S. C. R. No. 72, Memorializing Latham (Dolly) Boone, Jr.

S. C. R. No. 73, In memory of James M. Dellinger.

S. C. R. No. 74, Commending the sponsors of the San Antonio International Trade Fair.

S. C. R. No. 75, To wish Mr. Joe Deats of Goldthwaite, Texas, a happy 81st birthday.

H. B. No. 203, A bill to be entitled "An Act amending Chapter 100, Acts of the 55th Legislature, Regular Session, 1957 (Article 6252-9, Vernon's Texas Civil Statutes), making additional requirements for reporting substantial interests of officers and employees of State agencies, legislators and legislative employees; prohibiting presentation of facts or argument to an administrative agency of this State except under conditions as herein provided; prohibiting Members of the Legislature, officers and agents of a State agency from making investments causing a conflict of interests and further defining same; prohibiting legislators from appearing before state agencies under certain conditions; providing certain exceptions; and adding penalties; prohibiting a Member of the Legislature from introducing or causing to be introduced proposed legislation which affects directly a client or employer of such Member except for legislation which

affects such client or employer only as a member of a class; prohibiting Members of the Legislature from knowingly receiving compensation from certain persons, firms, or corporations; providing procedures for investigation; providing for public disclosure of financial interests and other information by officers and certain employees of the executive, legislative, and judicial branches of the state government and providing a penalty; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 917 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 917, A bill to be entitled "An Act changing the Court day in the 21st Judicial District from Monday to Tuesday; amending Acts 1911, p. 39, as last amended by Section 1, Chapter 101, Acts of the 48th Legislature, 1943 (codified as Article 199-21, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on County, District and Urban Affairs.

#### Senate Bill 918 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Wallace:

S. B. No. 918, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas System to acquire by donation the facilities of the Houston Speech and Hearing Center, a Texas non-profit corporation of Houston, Harris County, Texas; establishing in The University of Texas Graduate School of Biomedical Sciences at Houston a division to be known as the 'Division of Communicative Disorders'; and declaring an emergency."

To Committee on Education.

#### Reports of Standing Committees

Senator Kennard submitted the following report for the Committee on Public Health:

S. B. No. 902.

Senator Herring submitted the following reports for the Committee on Jurisprudence:

- S. B. No. 838.
- S. B. No. 686.
- S. B. No. 129.
- S. B. No. 224 (Amended).
- S. B. No. 685 (Amended).
- C. S. S. B. No. 563 (Read first time).
- S. B. No. 529.
- S. B. No. 870.
- S. B. No. 703.
- C. S. S. B. No. 733 (Read first time).
- S. B. No. 671.
- S. B. No. 672.
- C. S. S. B. No. 403 (Read first time).
- Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:
- H. B. No. 926.
- C. S. S. B. No. 258 (Read first time).
- S. B. No. 463.
- S. B. No. 736 (Amended).
- S. B. No. 778.
- S. B. No. 815 (Amended).
- S. B. No. 817.
- S. B. No. 818.
- S. B. No. 859 (Amended).
- S. B. No. 916.
- S. B. No. 888 (Amended).
- H. B. No. 190.
- H. B. No. 226.
- H. B. No. 368.

Senator Wilson submitted the following report for the Committee on Constitutional Amendments:

- S. J. R. No. 43.

Senator Blanchard submitted the following reports for the Committee on Insurance:

- S. B. No. 579.
- S. B. No. 707.
- S. B. No. 536.
- S. B. No. 613.
- S. B. No. 276.
- S. B. No. 274.
- S. B. No. 662 (Amended).
- C. S. S. B. No. 666 (Read first time).
- Senator Connally submitted the following reports for the Committee on Parks and Wildlife:
- H. C. R. No. 72.
- H. C. R. No. 70.
- H. B. No. 378.
- S. B. No. 590.
- S. B. No. 589.
- S. B. No. 588.
- S. B. No. 587.
- S. B. No. 619.
- S. B. No. 620.
- S. B. No. 727.
- S. B. No. 728.
- S. B. No. 679.
- S. B. No. 618.
- H. B. No. 420.

#### Senate Bill 870 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent, S. B. No. 870 was ordered not printed.

#### House Bill 1458 on Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1458, A bill to be entitled "An Act relating to the creation, establishment, maintenance, financing powers, duties, and operation of certain water districts under the Model Water District Act; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 1458 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1458 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges	Sherman
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges	Sherman
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#### House Bill 955 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 955, A bill to be entitled "An Act relating to the membership of the board of directors of the Texas Turnpike Authority and the requirement of an annual report; etc.; and declaring an emergency."

The bill was read second time.

Senator Kennard offered the following amendment to the bill:

Amend H. B. 955 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 3, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. There is hereby created an authority to be known as the 'Texas Turnpike Authority,' hereinafter sometimes referred to as the 'Authority' may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an agency of the State of Texas, and the exercise by the Authority of the powers conferred by this Act in the construction, operation, and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the State.

"The Board of Directors of the Authority (hereinafter in this Act sometimes called the 'Board') shall be composed of directors, who shall occupy, respectively, places on the Board to be designated as Places 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. The Directors who will occupy Places 2, 3, 5, 6, 8, 9, 10, 11, and 12 shall be appointed by the Governor, by and with the advice and consent of the Senate. Appointed Directors shall serve staggered terms of six (6) years with the terms of one-third of the members expiring on February 15 of each odd-numbered year. Each Director appointed to fill Places 2, 3, 5, 6, 8, 9, 10, 11, and 12 shall have been a resident of the State and of the County from which he shall have been appointed for a period of at least one (1) year prior to his appointment.

"The members of the Texas State Highway Commission at the time this Act becomes effective are hereby made Directors of said Authority, and if for any reason said Texas State Highway Commission at such time because of vacancies is composed of less than three (3) members, then the person or persons appointed to fill such vacancies are hereby made Directors of said Authority. The Highway Commissioners and their successors in office shall respectively and successively occupy Places 1, 4, and 7 on such Board. Each member of the Texas State Highway Commission shall serve ex-officio as a member of the Board of Directors of such Authority. All Directors shall serve until their successors have been duly appointed and qualified, and vacancies in unexpired terms shall be promptly filled by the Governor.

"All members of the Board of Directors shall be eligible for reappointment. All Directors shall have equal status and all Directors shall have a vote. Each member of the Board before entering upon his duties shall take an oath as provided by Section 1 of Article XVI of the Constitution of the State of Texas.

"The Board shall elect one of the Directors as chairman and another as vice chairman, and shall elect a secretary and treasurer who need not be a member of the Board. Nine members of the Board shall constitute a quorum and the vote of a majority of the members present at any meeting shall be necessary for any action taken by the Board. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

"Before the issuance of any turnpike revenue bonds under the provisions of this Act, each Director shall execute a surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000) and the secretary and treasurer shall execute a surety bond in the penal sum of Fifty Thousand Dollars (\$50,000), each surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the State of Texas as surety and to be approved by the Governor and filed in the office of the Secretary of State. The expense of such bonds shall be paid by the Authority.

"Each appointed Director may be removed by the Governor for misfeasance, malfeasance or willful neglect of duty, but only after reasonable notice and public hearing unless the notice and public hearing are in writing expressly waived.

"The members of the Authority shall not be entitled to any additional compensation for their services, but each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the authority of this Act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the authority of this Act.

"The Legislature imposes on any Director, who may be a member of the State Highway Commission the extra duties required hereunder."

Sec. 2. Section 21, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 21. Each Turnpike Project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. Each such project shall also be policed and operated by such force of police, toll-takers and other operating employees as the Authority may in its discretion employ. Within its discretion the Authority may make arrangements with the Department of Public Safety for the services of police officers of that Agency.

"All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this Act.

"All counties, cities, villages and other political subdivisions and all public agencies and commissions of the State of Texas, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at its request, upon such terms and conditions as the proper authorities of such counties, cities, villages, other political subdivisions or public agencies and commissions of

the State may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or appropriate to the effectuation of the authorized purposes of the Authority, including highways and other real property already devoted to public use.

"An action by the Authority may be evidenced in any legal manner, including a resolution adopted by its Board of Directors.

"Any member, agent or employee of the Authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority, shall be punished by a fine of not more than One Thousand Dollars (\$1,000).

"Any person who uses any turnpike project and fails or refuses to pay the toll provided therefor, shall be punished by a fine of not more than One Hundred Dollars (\$100) and in addition thereto the Authority shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof, until the amount of such toll and all charges in connection therewith shall have been paid.

"On or before the thirty-first day of March in each year the Authority shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. In making such report, each project shall be listed and reported separately. Each such report shall set forth a complete operating and financial statement covering its operations for each project during the year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or of operation of the Turnpike Project."

Sec. 3. The members of the Board of Directors of the Texas Turnpike Authority holding office on the effective date of this Act continue to hold office for the terms to which they were appointed. The Director appointed to Place 10 holds office for a term expir-

ing February 15, 1973, the Director appointed to Place 11 holds office for a term expiring February 15, 1975, and the Director appointed to Place 12 holds office for a term expiring February 15, 1977.

Sec. 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

The amendment was read and was adopted.

On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 955 on Third Reading

Senator Kennard moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 955 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Absent—Excused

Bridges	Sherman
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

## Absent—Excused

Bridges	Sherman
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## House Bill 146 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 146, A bill to be entitled "An Act to amend Section 2 of Article 10.58, Subchapter B, of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of Texas, as amended; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 146 on Third Reading

Senator Word moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Snelson
Harris	Wallace

Watson	Word
Wilson	

## Absent—Excused

Bridges	Sherman
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

## Absent—Excused

Bridges	Sherman
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## House Bill 302 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 302, A bill to be entitled "An Act relating to compilation of delinquent tax records and payment of fees for services in connection therewith; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 302 on Third Reading

Senator Herring moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 302 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Bernal
Bates	Blanchard
Beckworth	Brooks

Christie	Mauzy
Connally	McKool
Creighton	Moore
Grover	Patman
Hall	Ratliff
Harrington	Schwartz
Harris	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Wilson
Kennard	Word
Kothmann	

Absent—Excused

Bridges Sherman

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Absent—Excused

Bridges Sherman

**House Bill 384 on Second Reading**

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 384, A bill to be entitled "An Act relating to the authority and responsibility of the commissioners court of each county in the state to fix the compensation and allowances for all officials and employees paid wholly from county funds; providing an effective date; repealing all laws or parts of laws relating to compensation and allowances for officials and employees paid wholly from county funds; and declaring an emergency."

The bill was read second time.

On motion of Senator Hall and by unanimous consent, further consideration of H. B. No. 384 was postponed until Wednesday, April 21, 1971, following Morning Call.

Question—Shall H. B. No. 384 be passed to third reading?

**Report of Committee to Select Poet Laureate**

Senator Harrington submitted the following report of the Committee to Select the Poet Laureate and Alternate Poet Laureate of the State:

Austin, Texas,  
April 13, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus Mutscher, Speaker of the House of Representatives.

Sirs: We, your Committee appointed pursuant to Senate Concurrent Resolution No. 11 to select a Poet Laureate for the State of Texas, have selected Dr. Terry J. Fontenot of Port Arthur to be Poet Laureate of the State of Texas, to serve from April 1, 1971 to April 1, 1972, and Mrs. Clark Gresham of Burkburnett to be Poet Laureate of the State of Texas, to serve from April 1, 1972 to April 1, 1973.

The Committee selected Mrs. Faye Carr Adams of Dallas as Alternate Poet Laureate during the period April 1, 1971 to April 1, 1972, and Mr. Marion J. McDaniel, Enochs, as Alternate Poet Laureate during the period April 1, 1972 to April 1, 1973.

Respectfully submitted,

HARRINGTON  
HIGHTOWER

On the Part of the Senate.

HAYNES  
STEWART

On the Part of the House.

DIES

On the Part of the Governor.

The report was read and was adopted.

**Committee Substitute  
House Bill 18 on Second Reading**

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 18, A bill to be entitled "An Act relating to the authority of the county to prohibit the disposal of solid waste within the county if the solid waste is a threat to the public health, safety, and welfare; deleting the provision that the county cannot prohibit the use of a site for disposal of solid waste on the basis that the solid waste originates outside the county; amending Subsection (g), Section 5, Solid Waste Disposal Act of the Sanitary Code (Article 4477-7, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time.

On motion of Senator Schwartz and by unanimous consent, further consideration of C. S. H. B. No. 18 was postponed until Thursday, April 15, 1971, following Morning Call.

Question—Shall C. S. H. B. No. 18 be passed to third reading?

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
April 14, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 77, On the occasion of his retirement as the first Chief of the United States Army Reserve, the Texas Legislature commends General William J. Sutton for his notable and patriotic service to his country.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill 63 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 63, A bill to be entitled "An Act relating to the appointment and terms of office of members of the Texas State Board of Examiners of Psychologists; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 63 on Third Reading

Senator Herring moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 63 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges	Sherman
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges	Sherman
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#### House Bill 722 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 722, A bill to be entitled "An Act relating to approval by the commissioners court in Robertson County of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 722 on Third Reading

Senator Moore moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 722 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges Sherman

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### House Bill 494 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 494, A bill to be entitled "An Act relating to annexation of territory by the DeWitt County Drainage District No. 1; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 494 on Third Reading

Senator Patman moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 494 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges Sherman

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges Sherman

#### House Bill 496 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 496, A bill to be entitled "An Act relating to Aransas County Navigation District No. 1; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 496 on Third Reading

Senator Patman moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 496 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges Sherman

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Absent—Excused

Bridges Sherman

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
April 14, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 113 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conferees: Nichols, Hendricks, Hale, Jones of Taylor, Blanton.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill 555 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 555, A bill to be entitled "An Act validating proceedings relating to the creation and establishment of the Guadalupe County Water Control and Improvement District Number One as well as the proceedings relating to the issuance of bonds by the said District; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 555 on Third Reading

Senator Patman moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 555 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Christie
Bates	Connally
Beckworth	Creighton
Bernal	Grover
Blanchard	Hall
Brooks	Harrington

Harris	Patman
Herring	Ratliff
Hightower	Schwartz
Jordan	Snelson
Kennard	Watson
Kothmann	Wallace
Mauzy	Wilson
McKool	Word
Moore	

Absent—Excused

Bridges Sherman

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Watson
Harrington	Wallace
Harris	Wilson
Herring	Word
Hightower	

Absent—Excused

Bridges Sherman

**House Bill on First Reading**

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 203, To Committee on State Affairs.

**House Bill 32 on Second Reading**

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 32, A bill to be entitled "An Act relating to the speed for motorcycles and motor-driven cycles; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 32 on Third Reading**

Senator Watson moved that Senate Rule 30 and the Constitutional Rule

requiring bills to be read on three several days be suspended and that H. B. No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Absent—Excused

Bridges Sherman

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

**Record of Vote**

Senator Brooks asked to be recorded as voting "Nay" on the final passage of the bill.

**Senate Joint Resolution 1 on Third Reading**

The President Pro Tempore laid before the Senate on its third reading and final passage:

S. J. R. No. 1, Proposing amendments to Article IV, Sections 4, 22, and 23, Constitution of the State of Texas, so as to provide a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Secretary of State, and certain statutory state officers.

The resolution was read third time and was passed by the following vote:

Yeas—22

Aikin	Blanchard
Beckworth	Christie

Connally	Mauzy
Creighton	McKool
Hall	Moore
Harrington	Ratliff
Harris	Snelson
Herring	Wallace
Hightower	Watson
Kennard	Wilson
Kothmann	Word

## Nays—7

Bates	Jordan
Bernal	Patman
Brooks	Schwartz
Grover	

## Absent—Excused

Bridges	Sherman
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## Senate Bill 421 on Second Reading

On motion of Senator Harrington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 421, A bill to be entitled "An Act relating to vesting of benefits under the optional retirement program; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

## Senate Bill 421 on Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 421 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

## Absent—Excused

Bridges	Sherman
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

## Absent—Excused

Bridges	Sherman
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## Bill and Resolutions Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

H. C. R. No. 107.

H. B. No. 106—Again Signed.

H. C. R. No. 90.

H. C. R. No. 102.

Senate Bill 31 With  
House Amendments

Senator Schwartz called S. B. No. 31 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

## Committee Amendment No. 1

Amend S. B. 31 by striking all below the enacting clause and substituting the following:

"Section 1. DECLARATION AND PURPOSE—It is hereby declared by

the Legislature that an adequate market for windstorm, hail and fire insurance is necessary to the economic welfare of the State of Texas and that without such insurance the orderly growth and development of the State of Texas would be severely impeded. It is therefore the purpose of this Act to provide a method whereby adequate windstorm, hail and fire insurance may be obtained in certain designated portions of the State of Texas.

"Section 2. NAME OF ACT—This Act shall be known as the 'Texas Catastrophe Property Insurance Pool Act.'

"Sec. 3. DEFINITIONS—In this Act, unless the context clearly dictates to the contrary:

"(a) 'Board' means the State Board of Insurance of the State of Texas.

"(b) 'Association' means the Texas Catastrophe Property Insurance Association as established pursuant to the provisions of this Act.

"(c) 'Plan of Operation' means the plan for providing Texas windstorm and hail insurance in a catastrophe area and Texas fire and explosion insurance in an inadequate fire insurance area which plan has been approved by the Board for operation by the Association pursuant to the provisions of this Act, which plan may, among other things, provide for limits of liability for each structure insured, and/or the corporeal movable property located therein.

"(d) 'Texas Windstorm and Hail Insurance' means deductible insurance against direct loss to insurable property as a result of windstorm or hail as such terms shall be defined and limited in policies and forms approved by the State Board of Insurance.

"(e) 'Texas Fire and Explosion Insurance' means insurance against direct loss to insurable property as a result of fire and explosion as such terms shall be defined and limited in policies and forms approved by the State Board of Insurance.

"(f) 'Insurable Property' means immovable property at fixed locations in a catastrophe area or corporeal movable property located therein (as may be designated in the plan of operation) which property is determined by the Association, pursuant to the criteria specified in the plan of operation to be in an insurable condition

against windstorm, hail and/or fire and explosion as appropriate, as determined by normal underwriting standards; provided, however, that, insofar as windstorm and hail insurance is concerned, any structure located within the seacoast territory as defined by the State Board of Insurance in the General Basis Schedule, commenced on or after the 30th day following the publication of the plan of operation, not built or continuing in compliance with building specifications set forth in the plan of operation shall not be an insurable risk under the terms of this Act. A structure, or an addition thereto, which is constructed in conformity with plans and specifications that comply with the specifications set forth in the plan of operation at the time construction commences shall not be declared ineligible for windstorm and hail insurance as a result of subsequent changes in the building specifications set forth in the plan of operation. When repair of damage to a structure involves replacement of items covered in the building specifications as set forth in the plan of operation, such repairs must be completed in a manner to comply with such specifications for the structure to continue within the definition of Insurable Property for windstorm and hail insurance. Nothing in this Act shall preclude special rating of individual risks as may be provided in the plan of operation.

"(g) 'Net Direct Premiums' means gross direct written premiums less return premiums upon canceled contracts (irrespective of reinsurance assumed or ceded) written on property in this State as defined by the Board of Directors of the Association.

"(h) 'Catastrophe Area' means a city or county in which it may be determined by the Board, after notice of not less than 10 days and a hearing, that windstorm and hail insurance is not reasonably available to a substantial number of owners of insurable property within such city or county, due to such insurable property being located within a city or county subject to unusually frequent and severe damage resulting from windstorm and/or hailstorms. Such designation shall be revoked by the Board if it determines, after notice of not less than 10 days and a hearing,

that windstorm and hail insurance in such catastrophe area is no longer reasonably unavailable to a substantial number of owners of insurable property within such designated city or county. If the Association shall determine that windstorm and hail insurance is no longer reasonably unavailable to a substantial number of owners of insurable property in any designated catastrophe area or areas, then the Association may request in writing that the Board revoke the designation of any or all of such catastrophe areas and, after notice of not less than 10 days and a hearing, but within 30 days of such hearing, the Board shall either approve or reject the Association's request and shall, if such request be approved, revoke such designation or designations.

"(i) 'Inadequate Fire Insurance Area' means a city or county which is, or is within an area, designated as a catastrophe area, as defined in paragraph (h), above, and in which it may be determined by the Board, after notice of not less than 10 days and a hearing, that fire and explosion insurance is not reasonably available to a substantial number of owners of insurable property within such city or county. Such designation shall be revoked by the Board if it determines, after 10 days' notice and a hearing, that fire and explosion insurance in such inadequate fire insurance area is no longer reasonably unavailable to a substantial number of owners of insurable property within such designated city or county. If the Association shall determine that fire and explosion insurance is no longer reasonably unavailable to a substantial number of owners of insurable property in any designated inadequate fire insurance area or areas, then the Association may request in writing that the Board revoke the designations of any or all such inadequate fire insurance areas, and, after notice of not less than 10 days and a hearing, but within 30 days of such hearing, the Board shall either approve or reject the Association's request and shall, if such request is approved, revoke such designation or designations.

"(j) 'Insurance' as hereinafter used in this Act shall mean the types of insurance described in paragraphs (d) and (e) of this Section 3.

#### "Section 4. CREATION OF THE TEXAS CATASTROPHE PROPERTY INSURANCE ASSOCIATION—

"(a) The Association which is hereby created, shall consist of all property insurers authorized to transact property insurance in this State; except those companies that are prevented by law from writing coverages available through the pool on a statewide basis. Every such insurer shall be a member of the Association and shall remain a member of the Association so long as the Association is in existence, as a condition of its authority to transact the business of insurance in this State. Any insurer which ceases to be a member of the Association shall remain liable on contracts of insurance entered into during its membership in the Association to the same extent and effect as if its membership in the Association had not been terminated.

"(b) The organizational plan of certain types of insurers precludes such insurers from writing insurance coverage for the State of Texas, any city, political subdivision or agency of the State. When insuring property of the State of Texas, any city, political subdivision or agency of the State, the Association shall not cause such policies to be issued in such companies, nor shall such companies be included as reinsurers for any policies of insurance in this category.

#### "Section 5. OPERATION OF THE TEXAS CATASTROPHE PROPERTY INSURANCE ASSOCIATION—

"(a) The Association shall, pursuant to the provisions of this Act and the plan of operation, and with respect to insurance on insurable property, have the power on behalf of its members to cause to be issued policies of insurance to applicants, to assume reinsurance from its members, and to cede reinsurance to its members and to purchase reinsurance on behalf of its members.

"(b) On or before 10 days after the effective date of this Act the Board shall appoint a temporary board of directors of the Association which shall consist of seven representatives of members of the Association, selected so as to fairly represent various classes of member insurers. Such temporary board of directors shall prepare and submit a plan of operation and shall serve until the permanent

board of directors shall take office in accordance with said plan of operation.

"(c) All members of the Association shall participate in its writings, expenses, profits and losses in the proportions that the net direct premiums (excluding premiums on property of the State of Texas, any city, political subdivision or agency of the State) of such member written in this State during the preceding calendar years bears to the aggregate net direct premiums (excluding premiums on property of the State of Texas, any city, political subdivision or agency of the State) written in this State by all members of the Association, as furnished to the Association by the Board after review of annual statements, other reports and other statistics the Board shall deem necessary to provide the information herein required and which the Board is hereby authorized and empowered to obtain from any member of the Association, provided, however, that a member shall, in accordance with the plan of operation, be entitled to receive credit for similar insurance voluntarily written in the area designated by the Board and its participation in the writings in the Association shall be reduced in accordance with the provisions of the plan of operation. Each member's participation in the Association shall be determined annually in the same manner as the initial determination. Any insurer authorized to write and engaged in writing any insurance, the writing of which required such insurer to be a member of the Association, who becomes authorized to engage in writing such insurance after the effective date of this Act shall become a member of the Association on the 1st day of January immediately following such authorization and the determination of such insurer's participation in the Association shall be made as of the date of such membership in the same manner as for all other members of the Association.

"(d) On or before 45 days after the effective date of this Act, the temporary board of directors of the Association shall submit to the Board for review and approval a proposed plan of operation. Such proposed plan shall set forth the number, qualifications, terms of office, and manner of

election of the members of the board of directors and shall provide for the efficient, economical, fair, and non-discriminatory administration of the Association. Such proposed plan may include a preliminary assessment of all members for initial expenses necessary to the commencement of operation, the establishment of necessary facilities, management of the Association, plan for assessment of members to defray losses and expenses, underwriting standards, procedures for the acceptance and cession of reinsurance, procedures for determining the amount of insurance to be provided to specific risks, time limits and procedures for processing applications for insurance, and for such other provisions as may be deemed necessary by the board of directors and the Board to carry out the purposes of this Act. The proposed plan shall be reviewed by the Board and approved, unless it finds that such plan does not properly fulfill the purposes of this Act. In the review of the proposed plan the Board may, in its discretion, consult with the directors of the Association and may seek any further information which it deems necessary for a decision. If the Board approves the proposed plan, it shall certify such approval to the directors and the plan shall become effective 10 days after such certification. If the Board disapproves all or any part of the proposed plan of operation, it shall return the same to the directors with its written statement setting forth the reasons for the disapproval and any recommendations it may wish to make. The directors may alter the plan in accordance with the recommendations of the Board or shall, within 15 days from the date of disapproval, return a new plan to the Board. In the event the Association has not proposed a plan satisfactory to the Board on or before the 14th day of May, 1971, the Board shall certify and adopt a plan under which the Association shall operate.

"The Directors of the Association may, subject to the approval of the Board, amend the plan of operation at any time.

"In the absence of an appeal, the Association shall adopt amendments to the plan proposed by the Board within 30 days.

"Section 6. ELIGIBILITY: APPLICATION—

"(a) Any person having an insurable interest in insurable property located in an area designated by the Board shall be entitled to apply to the Association for insurance provided for under the plan of operation and for an inspection of the property under such rules and regulations, including an inspection fee, if any, as determined by the Board of Directors of the Association and approved by the State Board of Insurance. The term 'insurable interest' as used in this subsection shall be deemed to include any lawful and substantial economic interest in the safety or preservation of property from loss, destruction or pecuniary damage. Application shall be made on behalf of the applicant by a Local Recording Agent and shall be submitted on forms prescribed by the Association. The application shall contain a statement as to whether or not the applicant has or will submit the premium in full from personal funds, or if not, to whom a balance is or will be due.

"(b) If the Association determines that the property is insurable, the Association, upon payment of the premium shall cause to be issued a policy of insurance as may be provided in the plan for a term of one year.

"In the event an agent or some other person, firm, or corporation shall finance the payment of all or a portion of the premium and there is a balance due for the financing of such premium and such balance, or any installment thereof, is not paid within 10 days after the due date, the agent or other person, firm, or corporation to whom such balance is due may request cancellation of the insurance by returning the policy, with proof that the insured was notified of such return, or by requesting the Association to cancel such insurance by notice mailed to the insured and any others shown in the policy as having an insurable interest in the property. Upon completion of cancellation, the Association shall refund the unearned premium, less any minimum retained premium set forth in the plan of operation, to the person, firm, or corporation to whom the unpaid balance is due. In the event an insured requests cancellation of insurance, the Association shall make refund of such unearned premium payable to the insured and the holder of an unpaid balance. The Local Recording Agent, who submitted the application, shall

refund the commission on any unearned premium in the same manner.

"(c) Any policy issued pursuant to the provisions of this Act may be renewed annually, upon application therefor, so long as the property continues to meet the definition of 'insurable property' set forth in Section 3.

"(d) Each Association member shall cede to the Association 100 per cent of the fire and windstorm insurance written pursuant to, and on the terms and conditions set forth in, the plan of operation.

#### "Section 7. DELETION OF COVERAGES FROM OTHER POLICIES—

"The Board shall prepare endorsements and forms applicable to the standard policies which it has promulgated providing for the deletion of coverages available through the Association and shall promulgate the applicable reduction of premiums and rates for the use of such endorsements and forms.

#### "Section 8. RATES, RATING PLANS AND RATE RULES APPLICABLE—

"(a) The Association shall file with the Board every manual of classifications, rules, rates which shall include condition charges, every rating plan, and every modification of any of the foregoing which it proposes to use. Every such filing shall indicate the character and the extent of the coverage contemplated and shall be accompanied by the policies and endorsements forms proposed to be used, which said forms and endorsements may be designed specifically for the use by the Association and without regard to other forms filed with, approved by, or promulgated by the Board for use in this State.

"(b) For the purpose of making such filing the Association may utilize filings made by licensed rating organizations and it may utilize the loss or expense statistics or recommendations collected and furnished to the Board by an advisory organization authorized under Article 5.73, Insurance Code of Texas.

"(c) Any filing made by the Association pursuant hereto shall be submitted to the Board and as soon as reasonably possible after the filing has been made the Board shall, in writing, approve, modify, or disapprove the same; provided that any filing shall be determined approved unless modified or disapproved within

30 days after date of filing.

"(d) If at any time the Board finds that a filing so approved no longer meets the requirements of this Act, it may, after a hearing held on not less than 20 days' notice to the Association specifying the matters to be considered at such hearing, issue an order withdrawing its approval thereof. Said order shall specify in what respects the Board finds that such filing no longer meets the requirements of this Act and shall be effective not less than 30 days after its issuance.

"(e) All rates shall be made in accordance with the following provisions:

"(1) Due consideration shall be given to the past and prospective loss experience within and outside the State of hazards for which insurance is made available through the plan of operation, if any, to expenses of operation including acquisition costs, to a reasonable margin for profit and contingencies, and to all other relevant factors, within and outside the State.

"(2) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in such risks on the basis of any or all of the factors mentioned in the preceding paragraph. Such rates may include rules for classification of risks insured hereunder and rate modifications thereof. All such provisions, however, as respects rates, classifications, standards and premiums shall be without prejudice to or prohibition of provision by the Association for consent rates on individual risks if the rate and risk are acceptable to the Association and as is similarly provided for, or as is provided for, in Art. 5.26(a), Texas Insurance Code, and this provision or exception on consent rates is irrespective of whether or not any such risk would otherwise be subject to or the subject of a provision of rate classification or eligibility.

"(3) Rates shall be reasonable, adequate, not unfairly discriminatory, and non-confiscatory as to any class of insurer.

"(4) Commissions paid to agents shall be reasonable, adequate, not unfairly discriminatory and non-confiscatory.

"(f) For the purpose of this Act the applicant under Section 6(a) hereof shall be considered to have consented to the appropriate rates and classifications authorized by this Act irrespective of any and all other rates or classifications.

"(g) All premiums written and losses paid under this Act as appropriate shall be included in applicable classifications for general rate-making purposes.

"Section 9. APPEALS—Any person insured pursuant to this Act, or his duly authorized representative, or any affected insurer who may be aggrieved by an act, ruling or decision of the Association, may, within 30 days after such act, ruling or decision, appeal to the Board. In the event the Association is aggrieved by the action of the Board with respect to any ruling, order, or determination of the Board, it may, within 30 days after such action, make a written request to the Board for a hearing thereon. The Board shall hear the Association, or the appeal from an act, ruling or decision of the Association, within 30 days after receipt of such request or appeal and shall give not less than 10 days' written notice of the time and place of hearing to the Association making such request or the person, or his duly authorized representative, appealing from the act, ruling or decision of the Association. Within 30 days after such hearing, the Board shall affirm, reverse or modify its previous action or the act, ruling or decision appealed to the Board. Pending such hearing and decision thereon, the Board may suspend or postpone the effective date of its previous rule or of the act, ruling or decision appealed to the Board. The Association, or the person aggrieved by any order or decision of the Board may thereafter appeal to the District Court of Travis County, Texas, and not elsewhere, in accordance with Article 1.04(f) of Insurance Code of Texas.

"Section 10. IMMUNITY FROM LIABILITY—There shall be no liability on the part of and no cause of action of any nature shall arise against the Board or any of its staff, the Association or its agents or employees, or against any participating insurer or its agents or employees, for any inspections made under the plan of operation or any statements made in good faith by them in any reports

or communications concerning risks submitted to the Association, or at any administrative hearings conducted in connection therewith under the provisions of this Act.

**"Section 11. INDEMNIFICATION**—Each person serving as a director of the Association, each member of the Association, and each officer and employee of the Association shall be indemnified by the Association against all costs and expenses actually and necessarily incurred by him or it in connection with the defense of any action, suit, or proceeding in which he or it is made a party by reason of his or its being or having been a director or member of the Association, or an officer or employee of the Association except in relation to matters as to which he or it has been judged in such action, suit or proceeding to be liable by reason of misconduct in the performance of his or its duties as a director of the Association or a member or officer or employee of the Association, provided, however, that this indemnification shall in no way indemnify a member of the Association from participating in the writings, expenses, profits, and losses of the Association in the manner set out in this Act. Indemnification hereunder shall not be exclusive of other rights to which such member or officer may be entitled as a matter of law.

**"Section 12. ANNUAL REPORT**—The Association shall file in the office of the Board annually a statement which shall summarize the transactions, conditions, operations and affairs of the Association during the preceding year at such times and covering such periods as may be designated by the Board. Such statement shall contain such matters and information as are prescribed by the Board and shall be in such form as is required by it.

**"Section 13. EFFECTIVE DATE**—This Act shall become effective from and after passage.

**"Section 14. CONFLICTING LAWS**—All laws or parts of laws in conflict herewith are hereby repealed to the extent necessary to accomplish the purposes of this Act.

**"Section 15. PARTIAL INVALIDITY**—If any provision of this Act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of

this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**"Section 16. EMERGENCY**—The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended."

#### Committee Amendment 2

Amend S. B. 31 by striking all above the Enacting Clause and substituting the following:

#### "A BILL

#### TO BE ENTITLED

AN ACT relating to the creation, powers, duties, and procedures of a Texas Catastrophe Property Insurance Pool; setting forth the purpose of such Act; naming such Act; defining certain terms; providing for the creation of the Texas Catastrophe Property Insurance Association; providing for the operation of the Texas Catastrophe Property Insurance Association; providing for eligibility; providing for rates, rating plans, and rate rules; providing for appeals; providing for immunity from liability; providing for indemnification; providing for annual reports; providing an effective date; repealing conflicting laws; providing for severability; and declaring an emergency."

The House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Snelson
Harris	Wallace

Watson  
Wilson

Word

Absent—Excused

Bridges

Sherman

### Senate Bill 345 on Second Reading

Senator Mauzy asked unanimous consent to suspend the regular order of business and take up S. B. No. 345 for consideration at this time.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up S. B. No. 345 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—19

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Schwartz
Christie	Wallace
Connally	Wilson
Harrington	Word
Hightower	

#### Nays—9

Creighton	Patman
Grover	Ratliff
Harris	Snelson
Herring	Watson
Moore	

#### Absent

Hall

#### Absent—Excused

Bridges

Sherman

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 345, A bill to be entitled "An Act amending Article 8309e-2, Workmen's Compensation for employees of cities, towns and villages; etc.; and declaring an emergency."

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend Senate Bill 345 by striking all of Section 1 therefrom and substituting in lieu thereof the following:

'Section 1. Section 3, of Article 8309e-2, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Section 3. Cities, towns, and villages are hereby authorized to become either self-insurers or provide insurance under workmen's compensation insurance contracts or policies, extending workmen's compensation benefits to their employees. The provisions of this Act authorizing cities, towns, and villages to provide workmen's compensation benefits or to take out workmen's compensation insurance is permissive only and the provision hereof with respect to either self-insurance or insurance under a policy of insurance is not mandatory; provided however that if such city, town or village fails to provide either self-insurance or insurance under a policy of insurance, the city, town or village shall be subject to Sections 1 and 4, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended or as they may hereafter be amended. Workmen's compensation benefits, as provided in this Act, may be provided for all of the employees of a city, town or village, or may be provided only for one or more departments of the city, or for one or more groups of employees engaged in similar or related lines of work. All, or as a classified group or groups of employees engaged in the operation, maintenance, extension, and improvement of a municipally owned public utility system or systems of any kind may be treated as a separate group or groups of employees for the purpose of extending workmen's compensation benefits under this Act. The governing body of any city, town or village may by ordinance or resolution adopt the provisions of this Act and make the same applicable to all or a department or group of employees paid out of funds subject to the appropriation or use of such governing body, and the ordinance shall specify whether the city elects to become a self-insurer under the provisions hereof or to take out a policy of workmen's compensation insurance with a qualified insurance company. Upon taking action, notice shall be given to the Board stating the effective date of the self-insurance or the insurance policy and the departments or general group or groups of employees to be covered, and the ap-

proximate number of employees to be covered in each and the estimated amount of the payroll or payrolls. Notice shall also be given to the employees of the city, town or village of the provision so made for workmen's compensation benefits and the effective date thereof; and employees of the city, town or village shall be conclusively deemed to have accepted the compensation provisions in lieu of common-law or statutory liability or cause of action, if any, for injuries received in the course of employment or death resulting from injuries so received. Notwithstanding any other provisions of this Act any city, town or village may adopt a uniform policy in regard to their employees to continue all covered employees on full or partial salary after receiving a compensable injury of those classes of injuries covered under Section 12, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended or as may hereafter be amended, and such salary paid shall be allowed as an offset to the association or to the city, town or village if they are acting as self-insurer in any settlement, award or judgment. In cities, towns or villages in which a public utility or utilities is operated by a board of trustees set up and appointed in accordance with Article 1115, Revised Civil Statutes, 1925, or any similar law, such board of trustees shall have all of the powers and authority of the governing body of the city with reference to the adoption of a program of self-insurance under this Act or in the taking out of a policy or policies of workmen's compensation insurance hereunder, and all funds set aside or expended for such purposes shall be considered operating expenses of the municipal utilities. All funds set aside or paid by such boards of trustees in connection with self-insurance or for premiums on policies of insurance shall be paid out of the revenues of the utilities operated by the board of trustees and neither the provisions for self-insurance nor the obligations incurred under insurance policies shall be general liabilities of the city, town or village, but shall constitute only obligations payable out of the revenues. The boards of trustees shall be authorized to adopt all resolutions, give all notices and to do all things concerning workmen's compensation under this Act with reference to em-

ployees employed by the boards of trustees which the governing body of the city, town or village would be authorized to do with reference to other city employees, or groups of employees."

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Votes

Senators Grover, Patman, Herring, Snelson and Ratliff asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Senate Bill 56 on Second Reading

Senator Word asked unanimous consent to suspend the regular order of business and take up S. B. No. 56 for consideration at this time.

There was objection.

Senator Word then moved to suspend the regular order of business and take up S. B. No. 56 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Snelson
Hall	Watson
Harris	Wilson
Herring	Word

#### Nays—5

Blanchard	Schwartz
Harrington	Wallace
Mauzy	

#### Absent—Excused

Bridges	Sherman
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The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 56, A bill to be entitled "An Act relating to tuition equalization grants for students of certain private colleges and universities in Texas; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Record of Votes

Senators Moore, Wallace, Mauzy, Blanchard and Schwartz asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Senate Bill 56 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 56 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Brooks	Kothmann
Christie	McKool
Connally	Patman
Creighton	Ratliff
Grover	Snelson
Hall	Watson
Harrington	Wilson
Harris	Word

#### Nays—4

Blanchard	Moore
Mauzy	Schwartz

#### Paired—2

Bridges	Wallace
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Absent—Excused

Sherman

#### PAIRED

Senator Wallace (present), who would vote "Nay," with Senator Bridges (absent), who would vote "Yea."

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Mauzy, Schwartz, Wallace, Moore and Blanchard asked to be recorded as voting "Nay" on the final passage of the bill.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
April 14, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. J. R. No. 20, Proposing amendments to Sections 33 and 40, Article XVI, Constitution of the State of Texas, to exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.

(With amendments.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Concurrent Resolution 78

Senator Creighton offered the following resolution:

S. C. R. No. 78, Recalling H. B. No. 1458 from the House of Representatives.

The resolution was read.

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted.

#### Memorial Resolutions

S. R. No. 959—By Senator Christie: Memorial resolution for Orlando Barera.

S. R. No. 960—By Senator Ratliff: Memorial resolution for Howard McMahon. (Amended).

S. R. No. 963—By Senator Herring: Memorial resolution for R. H. "Dick" Kercheville.

#### Welcome and Congratulatory Resolutions

S. R. No. 957—By Senator McKool: Extending appreciation to Distributive Education Clubs of Texas.

S. R. No. 958—By Senator McKool: Extending congratulations to Berkner High School of Richardson.

S. R. No. 964—By Senator Ratliff: Extending congratulations to Charles Coody of Abilene as winner of the 35th annual Masters Golf Tournament in Augusta, Georgia.

S. R. No. 965—By Senator McKool: Designating Thomas Edward Martin as Honorary Page for the day.

S. R. No. 966 — By Senator Schwartz: Extending congratulations to Mrs. Edgar F. (Bobbie) Jones of Galveston as Mother of the Year for 1970.

S. R. No. 967—By Senator Hightower: Extending appreciation of the Senate to certain employees of architects, air conditioning, and contractors, Frank Allen of the Building Commission and Homer Foerster of the Board of Control for their work on the restoration of Senate's portion of the Capitol. (Amended).

S. R. No. 968—By Senator Watson: Extending welcome to Tony Price, et al.

#### Recess

On motion of Senator Aikin the Senate at 12:30 o'clock p.m. took recess until 9:15 o'clock a.m. tomorrow.

**In Memory of**  
**J. M. Faulkner**

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Senator Herring offered the following resolution:

(Senate Resolution 961)

Whereas, The State of Texas is grieved by the loss of one of its most distinguished citizens, J. M. Faulkner, the state banking commissioner for 27 years and dean of such commissioners throughout the United States, who died in an Austin hospital April 8, 1971, at age seventy-nine; and

Whereas, Mr. Faulkner, who had retired from office only last June, left a legacy in terms of great public service and unselfish devotion to high standards in office; he was particularly known and admired for the fairness with which he administered his office and loved for his unfailing courtesy and kindness to persons in all walks of life; and

Whereas, During his tenure as commissioner, Texas banking experienced a tremendous growth, the number of state banks increasing from 431 to 638 and deposits from one billion to seven billion dollars; he worked constantly to shape the orderly development and stability of the banking industry in Texas and he was clearly successful; and

Whereas, Mr. Faulkner was born in Smith County and first came to the State Banking Department in 1920, working several years as an examiner; he then left the department on several occasions, to join banks in Port Arthur and San Marcos, but he returned to stay in 1944 and in 1947 was named commissioner; and

Whereas, His fine service was recognized in many tributes paid him at retirement, and among them being the widely recognized assurance that the Texas Banking Department ranks as one of the four most effective in the nation; and

Whereas, Funeral services for Mr. Faulkner were held in Austin and burial was in the State Cemetery; and

Whereas, He is survived by his wife; one son, Dr. J. M. Faulkner, Jr., of Cleveland, Miss.; and a brother, Leon J. Faulkner of Los Angeles, Calif.; now, therefore, be it

Resolved, By the Senate of the 62nd Legislature that tribute be paid this eminent Texas citizen; and, be it further

Resolved, That the Secretary of the Senate prepare copies of this Resolution for the family.

**HERRING**

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring the resolution was adopted by a rising vote of the Senate.

**In Memory of**  
**Claude M. Voyles**

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Senator Herring offered the following resolution:

(Senate Resolution 962)

Whereas, Texas lost a colorful and public-spirited citizen with the death April 5, 1971, of Claude W. Voyles, oilman, rancher and farmer and former member of the University of Texas Board of Regents; and

Whereas, Mr. Voyles, who died in Austin at age sixty-eight, built his oil and gas holdings in Texas and Illinois from a modest Depression-era tract which he took over in East Texas; as a rancher, he pioneered the development of Brangus cattle and was active in organizing the first Brangus Breeders Association; with his partners he engaged in extensive land operations in Texas and New Mexico, including the development of former grazing land into large-scale irrigated cotton production properties; and

Whereas, Mr. Voyles, who had worked his way through the University of Texas as a clerk in the University Co-op and was first foreman of the Texas Cowboys, was appointed to the University's Board of Regents and served a six-year term, 1951-57; he was a loyal and active friend of the University all his life, assisting the institution and its students in many ways; and

Whereas, Mr. Voyles also served on the Scottish Rite Dormitory board, the board of St. David's Hospital and the board of directors of the Austin National Bank; he was a member of University Masonic Lodge No. 1190 AF&AM, past potentate of Ben Hur Shrine and a member of the Royal Order of Jesters and Knights Templar and had obtained K.C.C.H.; and

Whereas, In keeping with his lifetime interest in and support of charitable causes, memorial gifts are being made in his honor to the Ben Hur Shrine Crippled Children Fund and the Dr. Sandi Esquivel Memorial Fund at Austin's Brackenridge Hospital; and

Whereas, Mr. Voyles is survived by his wife; one son, Jack W. Voyles; a daughter, Mrs. A. V. McGraw, Jr., all of Austin; two sisters, Mrs. A. A. Dickens of St. Louis and Mrs. Inez Carpenter of Clovis, N. M.; one brother, J. D. Voyles of Bay City; and four grandchildren; now, therefore, be it

Resolved, By the Senate of the 62nd Legislature, that tribute be paid this most worthy Texas citizen; and, be it further

Resolved, That the Secretary of the Senate prepare copies of this resolution for the Voyles family.

**HERRING**

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring the resolution was adopted by a rising vote of the Senate.